

Notice of Allowability

Application No.

09/888,816

Examiner

Dennis Rosario-Vasquez

Applicant(s)

WOODELL ET AL.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amend 06/14/2004.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☒ The drawings filed on 06/25/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none">1. <input type="checkbox"/> Notice of References Cited (PTO-892)2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none">5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____.7. <input type="checkbox"/> Examiner's Amendment/Comment8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance9. <input type="checkbox"/> Other _____. |
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LEO BOUDREAU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

Response to Amendment

1. The amendment was received on June 14, 2004 as has been entered and made of record. Claims 1-36 are allowed.
2. A new declaration was submitted on June 14, 004. That declaration is defective because it must be accompanied by a petition.

On page 2, lines 11-15 of the amendment filed on June 14, 004 applicants request the examiner to change the first named inventor to Zia-ur Rahman. However, the examiner cannot address this issue, and the issue should be addressed with the petitions office. A petition must be filed requesting that Zia-ur Rahman be the first named inventor. See MPEP 605.04(f).

So applicant's request to change the first named inventor to Zia-ur Rahman cannot be granted absent petition.

Terminal Disclaimer

3. The terminal disclaimer filed on June 14, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application number 09/888,701 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

4. Claims 1-36 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

5. Independent claims 1,15,19 and 30 distinguish over the prior art for a step of selecting a maximum intensity value from a group consisting of an intensity value and a filtered intensity value.

The independent claim allows reducing the "graying" of large white zones in a processed digital image.

The most relevant prior art Rahman et al. (US Patent 5,991,456 A) teaches all the steps of claim 1 except for the last step of selecting a maximum intensity value of an image.

Many similar prior art references teach the concept of selecting a maximum intensity values that are already filtered, but not selecting a maximum intensity value of a non-filtered image.

One example is Matsunoshita (US Patent 6,603,864 B1) as shown in figure 15, which depict multiple filters numerals 354m and 354c that are used by a maximum pixel value calculating circuit at col. 12, lines 6-11.

Another example is Hajj et al. (US Patent 6,064,768 A) as shown in figure 6 that have filtered outputs, numerals 120,121,122 and 123 and peak intensity detectors, numerals 131,132,133 and 134 at col. 14, lines 36-39.

A final example is Chin (JP 06054840) as shown in figure 1 are filters 21 and 22 that are selected from numeral 23 which has a maximum value detected by numeral 27.

6. Claims 2-14, 16-18, 20-26 and 31-36 are allowed because they depend from allowable claims 1,15,19 and 30.

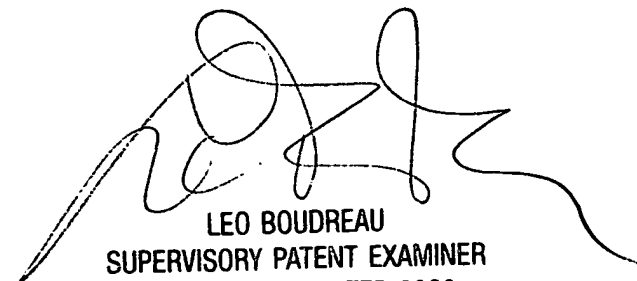
Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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